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EXAMINER

PATEL, ASHOKKUMAR B

ART UNIT

PAPER NUMBER

2154

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/785,967

Applicant(s)

LAPIDOUS, EUGENE

Examiner

Ashok B. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11/02/2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 4,5,17-23,26,27,29 and 30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,6-16,24,25 and 28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-31 are subject to examination. Claims 4, 5, 17-23, 26, 27, 29 and 30 have been cancelled.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-3, 6-8, 24, 25 and 28 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 6-8, 24, 25 and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Ferguson (US 2002/0178232 A1).

### **Referring to claim 1,**

Ferguson teaches a method for retrieving documents in a computer network (Fig. 12), the method comprising:

displaying a set of one or more selectable data exchange modes (Fig. 12, age 14, para. [0166]), "...a current Web page is being displayed on the browser 62 and the Invention Interface 404 "floats" above the

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window of the browser 62 (see FIG. 12)..... "Web page has embedded therein one or more links") in the vicinity of a cursor upon detecting that a user has pressed a button of a cursor control device while the cursor is inside a selectable area associated with a file reference (page 14, para. [0166], "In step 80, the user clicks...");

detecting that the user has moved the cursor over a data exchange mode selected by the user from the set without releasing the button of the cursor control device (page 14, para. [0166], ".... and holds the left mouse button 75 (or equivalent single click and hold left mouse function process on their pointing device) on the link he/she wishes to view in the future.");

canceling the display of the set upon detecting that the user has released the button of the cursor control device while keeping the cursor over the selected data exchange mode (page 14, para. [0166], "The user drags the link on to the Invention Interface 404 and then releases the left mouse button (or the equivalent)"); and

issuing a request to retrieve data associated with the file reference in accordance with the selected data exchange mode. (Fig. 11, element 608, page 15, para.[0168])

**Referring to claim 2,**

Ferguson teaches the method of claim 1 further comprising:

before issuing the request, modifying one or more configuration parameters of an Internet browser in accordance with the selected data exchange mode ((page 14, para. [0166], "The user drags the link on to the Invention Interface 404 and then releases the left mouse button (or the equivalent)"; and

restoring the one or more configuration parameters of the Internet browser upon processing the request (Fig. 16, page 19 , para.[0193])

**Referring to claim 3,**

Ferguson teaches the method of claim 1 wherein said issuing further comprises: modifying the request issued by an Internet browser in accordance with the data exchange mode selected by the user (Fig. 12, page 14, para. [0166]), "...a current Web page is being displayed on the browser 62 and the Invention Interface 404 "floats" above the window of the browser 62 (see FIG. 12)..... "Web page has embedded therein one or more links", and page 14, para. [0166], "In step 80, the user clicks...").

**Referring to claims 6 and 7,**

Ferguson teaches the method of claim 1 wherein the user selection of the data exchange mode affects only the data associated with the file reference, and wherein the selected data exchange mode affects any one of the amount of user-specific information sent with the request, the amount of data sent by the server in response to the request, and the format of data sent by the server in response to the request (Fig. 12, page 14, para. [0166], "...and holds the left mouse button 75 (or equivalent single click and hold left mouse function process on their pointing device) on the link he/she wishes to view in the future.")

**Referring to claim 8,**

Ferguson teaches the method of claim 1 wherein said issuing further comprises communicating with a network server storing the data associated with the identified file reference (Fig. 11, element 608).

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**Referring to claim 24,**

Claim 24 is a claim to a system that carries out the method of claim 1. Therefore claim 24 is rejected for the reasons set forth for claim 1.

**Referring to claim 25,**

Ferguson teaches system of claim 24 wherein determination of the data exchange mode remains valid only for the data associated with the file reference, and is updated after receiving indication of the next document selection by the user. (Fig. 12, page 14, para. [0166], "...and holds the left mouse button 75 (or equivalent single click and hold left mouse function process on their pointing device) on the link he/she wishes to view in the future.", process is to be repeated for each link that is to be down loaded.)

**Referring to claim 28,**

Claim 28 is a claim to a computer readable medium that provides instructions, which when executed on a processor, cause said processor to perform operations in accordance with the method of claim 1. Therefore claim 28 is rejected for the reasons set forth for claim 1.

**Referring to claim 31,**

Ferguson teaches the method of claim 1 wherein the selectable area associated with the file reference is a hypertext link region. (Fig. 12)

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such

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that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**6.** Claims 9-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferguson (US 2002/0178232 A1) in view of Tso et al. (hereinafter Tso) (US 6, 421, 733 B1)

**Referring to claims 9 and 10,**

Keeping in mind the teachings of Ferguson as stated above, Ferguson fails to specifically teach wherein said issuing further comprises communicating with a proxy, the proxy performing operations comprising: modifying the request for data when required by the selected data exchange mode, communicating with a network server storing the data associated with the file reference, and modifying data received from the network server when required by the selected data exchange mode, and wherein the request for data communicated to the proxy contains an identifier of the selected data exchange mode.

Tso teaches "Transcoder 20 may be implemented, for example, as a software module installed in a network proxy, in a client device, in a network server device, or in a content server device.", col. 3, lines 18-21. Tso also teaches the abilities of the transcoder including user preferences and content characteristics, col. 7, lines 15 through col. 8, line 9.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to combine Ferguson's teachings and Tso's proxy such that the data modifications as required can be performed at the proxy.

This would have been obvious because existing proxy servers do not manipulate the data passing through them. In essence, proxy servers are merely blind conduits for requests and responses. This limitation of existing proxy servers restricts these devices from being used to full advantage when facilitating communications between local devices and network devices. There is therefore a need for a so-called "smart" proxy capable of examining the data passing through it, whether it be a request intended for an external network device or network content being returned to a local device, and dynamically acting upon that data. Such a device can be used to transparently provide a wide range of services that were heretofore impossible without modifying existing Internet infrastructure as taught by Tso.

**Referring to claims 11 and 12,**

Keeping in mind the teachings of Ferguson as stated above, although Ferguson teaches to send the request to a server (Fig. 11, element 608) Ferguson fails to specifically teach wherein said issuing further comprises: sending a request to retrieve data associated with the file reference to a first server, the request conforming to the selected data exchange mode; receiving a response from the first server, the response indicating a new location of the data associated with the file reference; and automatically issuing a second request to a second server using the new location, the second request conforming to the selected data exchange mode, and wherein data associated with the file reference is stored on a plurality of servers; and said issuing further comprises sending a request to each of the plurality of servers, the request conforming to the selected data exchange mode.



The reference Tso teaches the claimed limitations in col.3, lines 21-30, (distributed system of computers), col. 9, lines 29-33, and col. 12, lines 17-32.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was to combine Ferguson's teachings and Tso's proxy such that the data modifications as required can be performed at the proxy.

This would have been obvious because existing proxy servers do not manipulate the data passing through them. In essence, proxy servers are merely blind conduits for requests and responses. This limitation of existing proxy servers restricts these devices from being used to full advantage when facilitating communications between local devices and network devices. There is therefore a need for a so-called "smart" proxy capable of examining the data passing through it, whether it be a request intended for an external network device or network content being returned to a local device, and dynamically acting upon that data. Such a device can be used to transparently provide a wide range of services that were heretofore impossible without modifying existing Internet infrastructure as taught by Tso.

**Referring to claim 13,**

Keeping in mind the teachings of Ferguson as stated above, Ferguson teaches wherein said issuing further comprises including an identifier of the selected data exchange mode (Fig. 11, element 608, page 15, and para. [0168]). However, Ferguson fails to specifically teach sending the request with the identifier of the selected data exchange mode to a first proxy.

The reference Tso teaches "Transcoder 20 may be implemented, for example, as a software module installed in a network proxy, in a client device, in a network server device, or in a content server device.", col. 3, lines 18-21. The reference Tso also teaches the abilities of the transcoder including user preferences and content characteristics, col. 7, lines 15 through col. 8, line 9.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to combine Ferguson's teachings and Tso's proxy such that the data modifications as required can be performed at the proxy.

This would have been obvious because existing proxy servers do not manipulate the data passing through them. In essence, proxy servers are merely blind conduits for requests and responses. This limitation of existing proxy servers restricts these devices from being used to full advantage when facilitating communications between local devices and network devices. There is therefore a need for a so-called "smart" proxy capable of examining the data passing through it, whether it be a request intended for an external network device or network content being returned to a local device, and dynamically acting upon that data. Such a device can be used to transparently provide a wide range of services that were heretofore impossible without modifying existing Internet infrastructure as taught by Tso.

**Referring to claims 14, 15 and 16,**

Keeping in mind the teachings of the reference Ferguson as stated above, the reference fails to teach the claimed limitations.

The reference Tso teaches the first proxy selecting a second proxy as a recipient of the request based on the identifier of the selected data exchange mode and a predefined set of operations performed by the second proxy (col. 7, lines 15-67 and col. 8, lines 1-9, Fig. 5, element 48, col. 13, lines 36-39), and the first proxy taking responsibility for performing a first portion of operations required by the selected data exchange mode; and the first proxy selecting a second proxy for performing a second portion of operations required by the selected data exchange mode, and the first proxy updating the identifier of the data exchange mode with an identifier value associated with the second portion of operations; and the first proxy sending the request with the updated identifier value to the second proxy. (Fig.5, elements 48 and 36, col. 14, lines 23-32, col. 7, lines 15-67 and col. 8, lines 1-9, Fig. 5, element 48, col. 13, lines 36-39).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to combine Ferguson's teachings and Tso's proxy such that the data modifications as required can be performed at the proxy.

This would have been obvious because existing proxy servers do not manipulate the data passing through them. In essence, proxy servers are merely blind conduits for requests and responses. This limitation of existing proxy servers restricts these devices from being used to full advantage when facilitating communications between local devices and network devices. There is therefore a need for a so-called "smart" proxy capable of examining the data passing through it, whether it be a request intended for an external network device or network content being returned to a local device, and dynamically acting upon that data. Such a device can be used to transparently provide

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a wide range of services that were heretofore impossible without modifying existing Internet infrastructure as taught by Tso.

### ***Conclusion***

**Examiner's note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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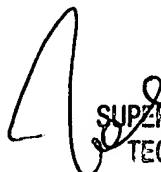
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok B. Patel whose telephone number is (571) 272-3972. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abp  
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